

In The United States District Court  
For The Northern District of Ohio  
Eastern Division

Hector Alvarado,	)	Case No. 3:16-cv-02563
	)	
Petitioner,	)	Judge Patricia A. Gaughan
	)	
vs.	)	Magistrate Judge Jonathan D. Greenberg
	)	
Warden, Southern Ohio Correctional Facility,	)	
	)	
Respondent.	)	

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**PETITIONER HECTOR ALVARADO’S MOTION TO DISMISS PENDING  
PETITION FOR WRIT OF HABEAS CORPUS AS MOOT**

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Petitioner Hector Alvarado respectfully requests that this Court dismiss his pending Petition for Writ of Habeas Corpus (Docs. 1 and 86) as moot.

On August 26, 2013, a jury found Mr. Alvarado guilty of one count of murder. On September 10, 2013, the Lucas County Court of Common Pleas sentenced him to a term of incarceration for fifteen years to life.

Following the denial of his state court appeals, Mr. Alvarado initiated the instant proceedings by filing a Petition for Writ of Habeas Corpus on October 16, 2016. (Doc. 1). This Court stayed the proceedings to permit Mr. Alvarado to exhaust several claims. (Doc. 18). Mr. Alvarado did so and following the reinstatement to this Court’s active docket, this Court granted him discovery. (Doc. 39). Following discovery, Mr. Alvarado filed an Amended Petition for Writ of Habeas Corpus on July 6, 2020. (Doc. 86). Respondent filed a Return of Writ. (Doc. 88). Mr. Alvarado filed a traverse. (Doc. 89).

On February 18, 2021, this Court again stayed Mr. Alvarado’s habeas proceedings to permit him to exhaust several claims – supported by evidence obtained in discovery – in state court. (Doc. 96).

On March 11, 2021, Alvarado filed the following before the Lucas County Court of Common Pleas:

- Defendant Hector Alvarado's Motion for Leave to File a Motion for New Trial
- Defendant Hector Alvarado's Motion to File Exhibits Under Seal
- Appendix to Hector Alvarado's Motion for Leave to File a Motion for New Trial and Motion for New Trial and/or Post-Conviction Relief Under R.C. § 2953.21

On March 12, 2021, Alvarado filed:

- Hector Alvarado's Motion for Order to Clerk to File Successor Post-Conviction Petition
- Motion for New Trial and/or Post-Conviction Relief Under R.C. § 2953.21

On April 26, 2022, the court granted Alvarado's motion to file exhibits under seal and motion for order to clerk to file successor post-conviction petition under R.C. 2953.21.

On July 18, 2022, the Lucas County Court of Common Pleas held an evidentiary hearing on Mr. Alvarado's motions. After Mr. Alvarado called two witnesses, the Lucas County Prosecutor's Office extended a plea offer to Mr. Alvarado. Following negotiations, the parties resolved this matter by plea. On July 19, 2022, the Lucas County Court of Common Pleas granted Mr. Alvarado's motion for leave to file a motion for new trial and motion for new trial. Mr. Alvarado entered a guilty plea pursuant to *North Carolina v. Alford*, 420 U.S. 25 (1970) to one count of involuntary manslaughter in violation of Ohio Revised Code § 2903.04.(A). He was sentenced to a term of incarceration of eleven years. That same day, Mr. Alvarado filed an unopposed motion for judicial release pursuant to Ohio Revised Code § 2929.20. The court granted Mr. Alvarado's motion.

On July 19, 2022, Mr. Alvarado was released from custody. Mr. Alvarado is no longer in custody for the September 10, 2013 conviction that is the subject of the instant petition. That

conviction was vacated as part of the plea agreement. Because the pending petition is now moot, Mr. Alvarado respectfully requests that this Court dismiss his pending petition for habeas relief.

Respectfully submitted,

Office of the Ohio Public Defender

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

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